

Remarks/Arguments

Each of the cited references has been reviewed and the rejections made to the claims have been considered. Claims are amended and arguments made to point out patentability of the claims.

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Claims

Claims 1-14 were rejected. Claims 1-6 remain in the application. Claims 1, 2 and 6 are currently amended. Claims 7-14 have been canceled. Reconsideration of the rejections is respectfully requested in view of the amendments and the following arguments.

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Rejections under 35 U.S.C. 103

The Examiner rejected claims 1-14 under 35 U.S.C. 103(a) as being unpatentable over Talmola (2002/0038459 in view of Margulis (U.S. 6,263,503).

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Talmola teaches a system for wirelessly transmitting multimedia services from several different sources through a single gateway to multimedia terminals. The objective of the system in Talmola is similar to applicant's invention, except that applicant's invention performs the function of wirelessly transmitting video signals in a different way.

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Applicant's invention addresses the need created in a conventional digital cable system where broadcast TV channels can be transmitted from the cable head end to the home either as a digital MPEG channel or as an analog television channel. Talmola does not recognize the problem or teach a solution where the receiver/demodulator for receiving the first transmission may be receiving either an analog or a digitally encoded transmission, thus requiring conversion of either type to a digital signal suitable for transmission.

The MPEG remultiplexer 405 in Talmola is different from the selector as claimed by applicant. The claimed selector is responsive to remote control interface to select an active channel from either the analog or the digital processing path output by the tuner. Talmola's remultiplexer 405 is a device for creating a multiplexed video data stream for transmission. Fig. 4 of Talmola shows three inputs to

remultiplexer 405, where one input is the remote transmission and the other two inputs are locally originating video sources. The remultiplexer of Talmola does not select between two paths of signals processed from the output of a single tuner receiving both analog and digital television signals.

- 5 Margulis recognizes that television signals can be analog or digital (col 9, lines 36-40) but does not teach the signal processing and selection technique as claimed by applicant, namely, parallel digital demod and MPEG encoding to produce one active signal for selection for transmission.

Regarding claim 1, Talmola and Margulis do not teach all the limitation of the claim, specifically the
10 selector receiving signals from two paths derived from the tuner output.

Claim 1 has been amended to include the limitation for receiving both analog and digital television signals (support found in application page 4 line 19-20), and wherein an active MPEG stream is selected (support found in application page 5 line 7-9; page 12 line 9-12) to distinguish the claim from
15 Talmola and Margulis.

Claim 1 as amended should be allowable and such action is respectfully requested.

Claims 2-4 depend on claim 1, which has been amended, and should be allowable along with claim 1.

20 Regarding claim 5, while lock detectors are well known for detecting acceptable signals, applicant does not agree that lock detectors used as claimed would have been obvious. The use of lock detectors is not “to select television channels that only have acceptable signal presence”, as stated by the examiner, since all tuned channels have or are assumed to have a signal presence. The claimed use of
25 lock detectors is to detect the **type** of signal tuned by the tuner and select the active signal path derived from the tuner output.

Regarding claim 6, applicant disagrees that it is well known to provide a user controlled transmit power level using a remote control along with the other limitations of the claim, including claim 1, as
30 amended, upon which it depends.

Rejections under 35 U.S.C. 112

Claims 2 and 6 have been amended to replace transmitting with sending unit to provide proper antecedent basis.

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Conclusion

In view of the foregoing, claims 1-6 as amended are in condition for allowance and such action is respectfully requested.

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If it is felt that direct communication would serve to advance prosecution of this case, the examiner is invited to call the attorney at the below listed telephone number.

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Respectfully submitted,

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